

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

SLATE BAR & LOUNGE, INC.,
d/b/a SLATE BAR & LOUNGE,

Plaintiff,

v.

FOUNDERS INSURANCE
COMPANY,

Defendant.

CIVIL ACTION NO. 3:15-cv-02251

(SAPORITO, M.J.)

FINAL ORDER

AND NOW, this 18th day of October, 2017, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The defendant's motion for judgment on the pleadings (Doc. 31) is **DENIED**;
2. The plaintiff's motion for judgment on the pleadings (Doc. 30) is **GRANTED in part and DENIED in part**;
3. The plaintiff's claim for declaratory relief with respect to the defendant's duty to indemnify the plaintiff is **DISMISSED WITHOUT PREJUDICE** as premature and unripe; and
4. The Clerk is directed to enter **JUDGMENT** in favor of the plaintiff with respect to the defendant's duty to defend the plaintiff in

the underlying state court action and to mark this case **CLOSED**. Said judgment shall include the requested declaration that defendant Founders Insurance Company has a duty under Policy Number LLPA000967 to provide a defense, or costs of defense, to or for plaintiff Slate Bar & Lounge, Inc., d/b/a Slate Bar & Lounge with respect to the underlying civil action styled *Bruce H. Fine v. Slate Bar and Lounge, Inc. t/a Slate Bar and Lounge*, Case No. 2076 of 2013, filed in the Court of Common Pleas for Luzerne County, Pennsylvania, on February 19, 2013.

s/Joseph F. Saporito, Jr.
JOSEPH F. SAPORITO, JR.
United States Magistrate Judge